

HOUSE BILL NO. 2172

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Miyares)

A BILL to amend and reenact § 53.1-40.01 of the Code of Virginia, relating to conditional release of geriatric prisoners; exceptions.

Be it enacted by the General Assembly of Virginia:**1. That § 53.1-40.01 of the Code of Virginia is amended and reenacted as follows:****§ 53.1-40.01. Conditional release of geriatric prisoners; exceptions.**

Any person serving a sentence imposed upon a conviction for a felony offense, other than (i) a Class 1 felony, (ii) if the offense was committed on or after July 1, 2019, murder in the first degree in violation of § 18.2-32, or (iii) if the offense was committed on or after July 1, 2019, a sexually violent offense as defined in § 37.2-900, ~~(i)~~ (a) who has reached the age of ~~sixty-five~~ 65 or older and who has served at least five years of the sentence imposed or ~~(ii)~~ (b) who has reached the age of ~~sixty~~ 60 or older and who has served at least ~~ten~~ 10 years of the sentence imposed may petition the Parole Board for conditional release. The exclusion set forth in clause (iii) shall not apply to any person who is serving a life sentence for any crime other than homicide who was under the age of 18 at the time of the commission of the offense. The Parole Board shall promulgate regulations to implement the provisions of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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